



**U. S. Department of Justice**

Civil Rights Division

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*Office of the Assistant Attorney General*

*Washington, D.C. 20035*

November 2, 2004

**VIA FACSIMILE**

Honorable Sidney H. Cates IV  
Parish of Orleans  
Civil District Court  
421 Loyola Avenue, Room 200-C  
New Orleans, LA 70112

Dear Judge Cates:

We understand that a lawsuit has been filed in your court seeking to extend the hours that the polls shall remain open in your parish. The Department of Justice has responsibility for enforcement of the Help America Vote Act of 2002 (HAVA). While HAVA does not require extending the hours that polls are normally open according to state law, we write to ensure that you are aware of Section 302(c) of HAVA, 42 U.S.C. 15482(c), which provides:

Voters Who Vote After the Polls are Closed: Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from the other provisional ballots cast by those not affected by the order.

If you have any questions about this provision, you may contact me at 202-532-5610.

Sincerely,

Sheldon T. Bradshaw  
Principal Deputy Assistant Attorney General